

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Victor M. Kern,

Civil No. 11-2467 (RHK/LIB)

Plaintiff,

ORDER

vs.

Timothy J. Balland, Sally I. Robertson,
Wadena County Attorney's Office,

Defendants.

Based upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois, and after an independent review of the files, records and proceedings in the above-entitled matter, **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 4) is **ADOPTED**;
2. Plaintiff's application to proceed in forma pauperis (Doc. No. 2) is **DENIED**; and
3. This action is summarily **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 22, 2011

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge